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Attorneys for Defendant WELLS FARGO BANK, N.A.,
successor by merger to Wells Fargo Bank, Southwest,
N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings
Bank, FSB sued as "Wachovia now doing business as
Wells Fargo Bank, N.A." ("Wells Fargo")

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADALBERTO ZELAYA,

Plaintiff,

vs.

WACHOVIA now doing business as WELLS
FARGO BANK, N.A., CAL-WESTERN
RECONVEYANCE CORPORATION and
Does 1 through 50, inclusive,

Defendants.

) Case No.: 3:11-cv-04609-JCS

) [Assigned to the Honorable Joseph C. Spero]

) **STIPULATION TO DISMISSAL WITH**
) **PREJUDICE**

1 This stipulation is entered into by and between Plaintiff ADALBERTO ZELAYA and
2 Defendant Wells Fargo Bank, N.A, successor by merger to Wells Fargo Bank Southwest, N.A.,
3 formerly known as Wachovia Mortgage, FSB, formerly known as World Savings Bank, FSB
4 (sued as "Wachovia now doing business as Wells Fargo Bank, N.A.") ("Wells Fargo").

5 The parties acknowledge and agree that Wells Fargo is under no obligation to modify the
6 loan that is the subject of this action, or review the loan for modification; however, Wells Fargo is
7 willing to do so under the terms and conditions described below:

- 8 A. The subject of this action is the loan to plaintiff made by Wells Fargo's predecessor in
9 interest, World Savings Bank, FSB (the "Loan"), which is secured by a deed of trust
10 against the property located at 1600 El Verano Way, Belmont, California (the
11 "Property").
- 12 B. Plaintiff acknowledges that he has previously requested a modification of the Loan,
13 and that Wells Fargo reviewed the Loan and denied modification of the Loan in good
14 faith.
- 15 C. Plaintiff desires that Wells Fargo perform an additional modification review.
- 16 D. Wells Fargo is agreeable to performing such review so long as plaintiff dismisses this
17 action with prejudice.

18 The parties stipulate and agree:

- 19 1. This action shall be dismissed with prejudice upon the filing of this stipulation.
- 20 2. Plaintiff shall have seven (7) days to submit to Wells Fargo a written request for
21 modification and all documentation required by Wells Fargo. Wells Fargo will
22 perform a modification review of the Loan and will notify plaintiff of its decision
23 on the modification request in writing.
- 24 3. No trustee's sale of the Property shall be held until at least 30 days after Wells
25 Fargo's written notification of the decision regarding loan modification.

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27 //

28 //

1 4. Counsels' facsimile signatures shall be the equivalent of original signatures for all
2 purposes.

3
4 Date: October 28, 2011

WENDELL J. JONES

5
6 By: /s/ Wendell J. Jones
7 Attorney for Plaintiff ADALBERTO ZELAYA

8
9 Date: October 28, 2011

ANGLIN, FLEWELLING, RASMUSSEN
CAMPBELL & TRYTTEN LLP

10
11
12 By: : /s/ Leigh O. Curran
13 Defendant WELLS FARGO BANK, N.A., successor by
14 merger to Wells Fargo Bank, Southwest, N.A., f/k/a
15 Wachovia Mortgage, FSB, f/k/a World Savings Bank,
16 FSB sued as "Wachovia now doing business as Wells
17 Fargo Bank, N.A."

18 Dated: 10/31/11



CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the following document(s):

STIPULATION TO DISMISSAL WITH PREJUDICE

on all interested parties in said case addressed as follows:

Served Electronically via The Court's CM/ECF System:

*Attorney for Plaintiff,
Adalberto Zelaya:*

*Attorneys for Defendant,
Cal-Western Reconveyance Corporation:*

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☐ **BY MAIL:** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Pasadena, California, in sealed envelopes with postage fully thereon.

☒ **FEDERAL:** I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Pasadena, California, on **October 28, 2011**.

Kimberly Wooten
(Print name)

/s/ Kimberly Wooten
(Signature)